


UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS


AFFIDAVIT

I, Matthew P. Albanese of full age, being duly sworn and according to law upon my oath depose and state as follows:

1. I am an attorney licensed to practice law in the Commonwealth of Massachusetts and co-counsel for the Plaintiff, Liduvina Bosselaar, in the above-referenced matter;
2. As counsel for the Plaintiff, I contacted Assistant United States Attorney Mark T. Quinlivan on or about November 24, 2004. The substance of my communications with Mr. Quinlivan centered on obtaining an extension to respond to the Defendant's Motion to Dismiss;
3. During the above-mentioned telephone conversation, Assistant United States' Attorney Mark T. Quinlivan assented to my request whereby we both agreed to a forty-five (45) day extension for the Plaintiff to respond to the Defendant's Motion to Dismiss, effective November 8, 2004;
4. Due to a clerical error on behalf of the Plaintiff's counsel, the Court was not notified of the agreed-upon extension to respond to the Defendant's Motion to Dismiss; and
5. The Defendant has expressly indicated to me that he will not oppose Plaintiff's Motion for Reconsideration.
5. I am prepared to respond to the Defendant's Motion to Dismiss on or before December 17, 2004, should the Plaintiff's Motion for Reconsideration be allowed by the Court.

Signed under the pains and penalties of perjury.


(Signature)


(Date)